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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,055	03/24/2004	Kerry Leland Embry	2002-0878.02/4670-241	4212
7590 06/15/2005 LEXMARK INTERNATIONAL, INC. ATT: JOHN J. McARDLE, JR. 740 WEST NEW CIRCLE ROAD LEXINGTON, KY 40550			EXAMINER CRENSHAW, MARVIN P	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

### Application No.

10/808,055

### Applicant(s)

EMBRY, KERRY LELAND

### Examiner

Marvin P. Crenshaw

### Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 0204.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 - 7 and 13 - 20 is/are allowed.
- 6) ☒ Claim(s) 8 - 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1 – 7 and 13 – 20 are allowed.

The following is an examiner's statement of reasons for allowance:

With respect to claim 1 and 15, the prior art does not teach or render obvious the total combination as claimed including a method of moving a media sheet through an image forming device comprising the steps of forming a buckle in a media sheet as a leading edge contacts a second driving device and rotating a transfer nip as a second lower speed than a first speed of a second driving device and forming a second buckle in the media sheet.

With respect to claim 13, the prior art does not teach or render obvious the total combination as claimed including a method of moving a media sheet through an image forming device comprising the steps of positioning the media sheet in a slackened state and moving the media sheet through a metering nip, moving the media sheet through the metering nip to a transfer nip and positioning the media sheet in the slackened state and moving the media sheet through the transfer nip.

With respect to claim 19, the prior art does not teach or render obvious the total combination as claimed including a method of moving a media sheet through an image forming device comprising the steps of forming a first buckle in a media sheet as it moves through a first roller and forming a second buckle in the media sheet as it is moved by the first roller into a transfer nip.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al. in view of Quesnel.

With respect to claim 8, Uchida et al. teaches a method of moving a media sheet through an image forming device (Fig. 1) comprising the steps of moving the media sheet through a first driving device (17) and transferring a toner image (1a) to the media sheet at the transfer nip (Fig. 1, 2a, 14a) and simultaneously electrostatically tacking the media sheet to the transport belt (7).

However, Uchida et al. does not teach forming a buckle in the media sheet as the media sheet moves through a transfer nip downstream from the first driving device.

Quesnel teaches forming a buckle (110) in the media sheet as the media sheet moves through a transfer nip downstream from the first driving device.

It would have been obvious to modify Uchida et al. to form a buckle in the media sheet as the media sheet moves through a transfer nip downstream from the first driving device as taught by Quesnel so as to provide an efficient means to deskew a media sheet.

With respect to claim 9, Uchida et al. teaches a method further comprising rotating the transport belt (7) and moving the media sheet through a downstream transfer nip (2a and 14a) and overlapping a second toner image (Fig. 1, 1b) of a different color over the toner image.

With respect to claim 10, Uchida et al. does not teach a method further comprising positioning the media sheet in a slackened state while moving through the transfer nip.

Quesnel teaches a method further comprising positioning the media sheet in a slackened state while moving through the transfer nip (Fig. 3) .

It would have been obvious to modify Uchida et al. to have a method further comprising positioning the media sheet in a slackened state while moving through the transfer nip as taught by Quesnel so as to provide an efficient means to deskew a media sheet.

With respect to claim 11, Uchida et al. teaches a method wherein the step of transferring a toner image to the media sheet at the transfer nip comprises transferring a black toner image to the media sheet (See col. 5, lines 25 – 40).

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With respect to claim 12, Uchida et al. teaches a method further comprising moving the media sheet a distance (Fig. 1) along the transport belt (7) prior to moving the media sheet through the transfer nip.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC

June 8, 2005



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